

REMARKS/ARGUMENTS

Claims 1-32 were previously pending. As noted above, claims 1, 3, 10, 12, 16, 17, 19, 22, 23 and 29 have been amended, and claims 33-50 have been added. Support for these amendments may be found throughout the Specification.¹ Thus, claims 1-50 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Allowable Subject Matter

Claims 11, 21 and 32 are allowed, and claims 10, 19, 20, 22 and 29-31 are indicated as being allowable if the claim objection is cleared.

New claims 41 and 50 have been added, and these claims recite a processor readable medium encoded with instructions. Claims 41 and 50 recite subject matter similar to that recited by allowed claims 11 and 32, and thus Applicants respectively submit that new claims 41 and 50 are likewise in condition for allowance.

Claims 10, 19, 20, 22 and 29-31 have been amended to overcome the claim objections, as noted below. Thus, Applicants respectively submit that these claims are in condition for allowance.

Additionally, new claims 33-40, which recite subject matter similar to pending claims 2-9, have been added to depend from allowable claim 10. As such, Applicants respectively submit that new claims 33-40 are also in condition for allowance.

Further, new claims 42-46, which recite subject matter similar to pending claims 13 and 15-18, have been added to depend from allowable claim 19. As such, Applicants respectively submit that new claims 42-46 are also in condition for allowance.

Moreover, new claims 47-49, which recite subject matter similar to pending claims 24-27, have been added to depend from allowable claim 29. As such, Applicants respectively submit that new claims 47-49 are also in condition for allowance.

Claim Objections

Claims 10, 19, 22 and 29 are objected to because of inclusion of “operable to” or “operative to” language. Applicant has revised the claims to overcome this objection.

¹ See, e.g., Specification, original claims and paragraphs [0049] and [0076].

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the objection to claims 10, 19, 22 and 29.

Claim Rejections – 35 USC § 101

Claims 1-9, 12-18 and 23-28 are rejected under 35 USC § 101, as not falling within one of the four statutory categories of invention. Applicants respectfully traverse this rejection, as independent claims 1, 12 and 23 recite a processor. As, such, claims 1-9, 12-18 and 23-28 are tied to a particular machine, namely, a processor.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-9, 12-18 and 23-28 under 35 USC § 101.

Claim Rejections – 35 USC § 112

Claims 3 and 16 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection, as claims 3 and 16 recite that the metric is based on a decision statistic of a matched filter technique for detecting received pilot power, wherein the decision statistic comprises channel gain estimates, which is supported in the Specification at paragraph [0049]. As such, claims 3 and 16 are definite, as the scope of each claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 3 and 16 under 35 USC § 112, second paragraph.

CONCLUSION

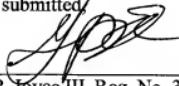
In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Dated: 12/21/2009

Respectfully submitted,

By: _____


Gerald P. Joyce III, Reg. No. 37,648
Direct: 858.845.2204

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502